

Chapter 2

Interpretation, Construction and Definitions

CHAPTER 2. INTERPRETATION, CONSTRUCTION AND DEFINITIONS

2-1. GENERAL INTERPRETATION

Whenever the words or phrases below appear in these regulations, they shall have the meaning assigned to them by this section. When not inconsistent with the context, words used in the present tense include the future; the singular, unless otherwise specifically defined in a particular section, includes the plural, and the plural the singular; the words "shall" and "must" are always mandatory, and the word "may" indicates use of discretion in making decisions. The term "may not" is prohibitive.

2-2. RESPONSIBILITY FOR INTERPRETATION

- a. In the event that any question arises concerning any provision or the application of any provision of these regulations, the Planning Director, in consultation with the County Attorney's Office as may be necessary, shall be responsible for such interpretation and shall look to the overall intent of these regulations for guidance. The Planning Director shall provide such interpretation in writing to the applicant upon request and keep a permanent record of said interpretations.
- b. The responsibility for interpretation shall not be construed as overriding the responsibilities given to any commission, board, or official named in other parts of these regulations.

2-3. INTERNAL CONFLICTS

A more specific provision of these regulations shall be followed in lieu of a more general provision that may be more lenient than or in conflict with the more specific provision.

2-4. DELEGATION OF AUTHORITY

Whenever a provision in these regulations requires an elected official, department supervisor, or some other employee to do some act or perform some duty, it is to be construed to authorize that individual to designate, delegate, and authorize professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

2-5. COMPUTATION OF TIME

When a time period is specified in these regulations, the first day shall be the day after the event that triggers the time clock to start. For example, if an action is to be taken within 35-working days of the date of submittal, the time clock starts the first business day after the date of the submittal.

2-6. DEFINITIONS

A

1. **ABUT (ADJOIN):** To physically touch or border upon; or to share a common property line.
2. **ACCESS, LEGAL:** Each lot in a subdivision abuts a public (city, county, state, or federal) street or road, or that the subdivider has obtained adequate and appropriate easements across all necessary properties from a public road to each lot in the subdivision.

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3. **ACCESS, PHYSICAL:** A road conforming to the design and development standards, along with any relevant variance requests, in the Ravalli County Subdivision Regulations that provides unobstructed vehicular access year-round to each lot in the subdivision. The requirement to provide evidence of physical access with a subdivision application shall take into account the current condition of the road and along with any proposed improvements that will be made prior to final plat approval (or final approval after execution of a subdivision improvements agreement) or requirements for variances to meet the physical access requirements.
4. **ADJOIN:** See ABUT.
5. **ADJOINING LANDOWNER (ADJACENT PROPERTY OWNER):** The owner-of-record of a parcel of land that is contiguous, at any point, or land that is separated from the subject parcel only by a road, watercourse or deeded right-of-way.
6. **AFFECTED AGENCY:** Any agency identified by the subdivider, Planning Department, Planning Board and/or BCC as having a potential interest in a proposed subdivision. An initial list of affected agencies shall be identified by the Planning Department during the pre-application meeting. (Refer to Section 3-1-4(c)(ii).) For those affected agencies identified after the pre-application conference, the subdivider shall be notified in accordance with Sections 3-2-3(b) and 3-3-3(b).
7. **AGGRIEVED PERSON:** Any person who can demonstrate a specific personal and legal interest, as distinguished from a general interest, that has been or is likely to be specifically and injuriously affected by a decision. [See 76-3-625(4), MCA.]
8. **AGRICULTURE:** All aspects of farming or ranching including the cultivation or tilling of soil; dairying; the production, cultivation, growing, or harvesting of agricultural or horticultural commodities; raising of livestock, bees, fur-bearing animals or poultry; and any practices including forestry or lumbering operations, preparation for market or delivery to storage, to market, or to carriers for transportation to market. [See 41-2-103(1), MCA.]
9. **AGRICULTURAL COVENANT:** A restriction filed with a division of land created for agricultural use only.
10. **AGRICULTURAL WATER USER FACILITIES:** Those facilities that provide water for irrigation or stock watering to agricultural lands for the production of agricultural products. These facilities include, but are not limited to, ditches, head gates, pipes, and other water conveying facilities.
11. **AIR POLLUTION:** The presence of air pollutants in a quantity and for a duration that are or tend to be injurious to human health or welfare, animal or plant life, or property or that would unreasonably interfere with the enjoyment of life, property, or the conduct of business.
12. **ANNEXATION:** The process of adding land to the jurisdictional area of another governmental subdivision. [For annexation to a city or town, refer to Title 7, Chapter 2, MCA.]
13. **APPEAL:** A process to review (1) a decision or determination, or (2) a failure to act as required.

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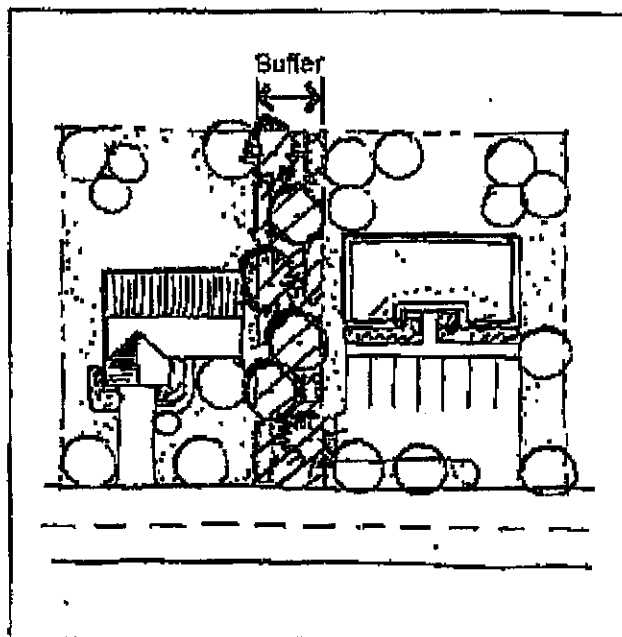
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- 14. ARM: Administrative Rules of Montana.
- 15. AVALANCHE: A movement of a large mass of snow and other debris moving downslope under gravitational forces. (See also GEOLOGICAL HAZARD, HAZARD and LANDSLIDE.)
- 16. AVERAGE DAILY TRAFFIC (ADT): The average number of vehicles crossing a specific point on a roadway during a 24-hour period. The projected or estimated ADT for a subdivision shall be based on the manual entitled "Trip Generation" (latest edition) published by the Institute of Transportation Engineers.

B

- 17. BASE FLOOD: See FLOOD, 100-YEAR.
- 18. BASE FLOOD ELEVATION (BFE): See FLOOD ELEVATION, 100-YEAR.
- 19. BLOCK: A group of lots, tracts, or parcels within well-defined and fixed boundaries.
- 20. BOARD OF COUNTY COMMISSIONERS (BCC): The Ravalli County Board of County Commissioners.
- 21. BUFFER AREA: A landscaped area intended to separate and partially obstruct the view between uses, serve as an attractive boundary, or both. (See Figure 2-5-1.) (See also SCREENING.)
- 22. BUILDING: A structure having a roof supported by walls or columns, or other supports intended for the shelter or enclosure of persons, animals, or property of any kind. (See also STRUCTURE.)
- 23. BURDEN OF PROOF: The obligation of a party to show by evidence that an assertion is true.

Figure 2-5-1
Buffer Area



C

24. CAMPGROUND SPACE: A designated portion of a campground designed for the placement of one (1) recreational vehicle, tent, camper trailer, or similar accommodation and one (1) automobile for the exclusive use of its occupants.
25. CERTIFICATE OF SURVEY: A drawing of a field survey prepared by a professional land surveyor for the purpose of disclosing facts pertaining to boundary locations.
26. CITY OF THE FIRST CLASS: A municipality with a population of 10,000 or more.
27. CITY OF THE SECOND CLASS: A municipality with a population of less than 10,000 and more than 5,000.
28. CITY OF THE THIRD CLASS: A municipality with a population of less than 5,000 and more than 1,000.
29. COMMERCIAL CAMPGROUND: A place and/or buildings or portions thereof, that is used or is intended for public camping, where persons can camp, secure tents or cabins, or park trailers, camping trailers, pickup campers, automobiles, and recreational vehicles for camping and sleeping purposes. The term includes accessory buildings such as a Laundromat and retail sales for the convenience of campground guests.

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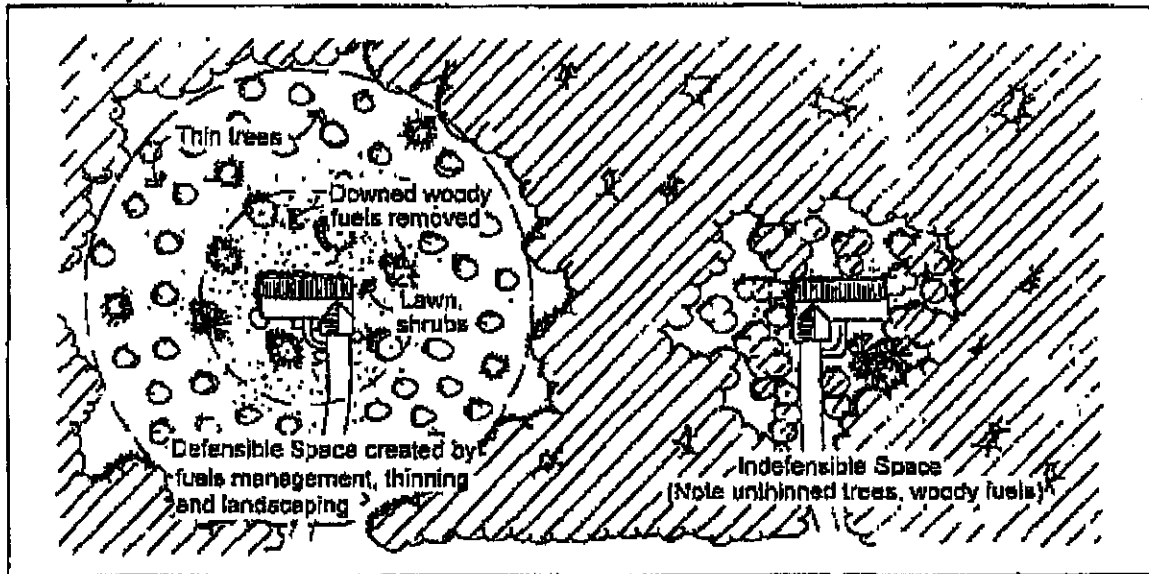
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- 30. COMMON DEVELOPMENT PLAN: A plan submitted by two (2) or more adjoining landowners working together to develop subdivision proposals for concurrent review for the specific benefit of said properties and owners.
- 31. CONDOMINIUM: A form of individual ownership with unrestricted right of disposal of one or more units in a multiple unit project, with the land and other parts of the project held in common ownership or use with owners of the other units, pursuant to Title 70, Chapter 23, MCA.
- 32. CONSERVATION EASEMENT: An easement or restriction running with the land and assignable, whereby an owner of land voluntarily relinquishes to the holder of such easement or restriction any or all rights to construct improvements upon the land or to substantially alter the natural character of the land or to permit the construction of improvements upon the land or the substantial alteration of the natural character of the land, except as this right is expressly reserved in the instruments evidencing the easement or restriction. [See 76-6-104, MCA.]
- 33. COVENANT (RESTRICTIVE COVENANT): A limitation contained in a deed or other document that restricts or regulates the use of the real property.

D

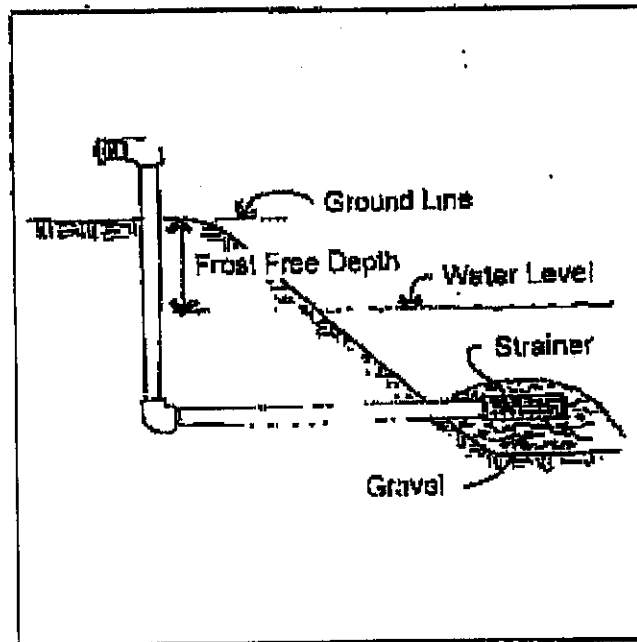
- 34. DEDICATION: The deliberate appropriation of land by an owner for any general and public use, reserving to the landowner no rights that are incompatible with the full exercise and enjoyment of the public use to which the property has been devoted. [76-3-103(3), MCA]
- 35. DEFENSIBLE SPACE: An area around buildings and structures where measures are taken to reduce the chance of a fire spreading to or from the building or structure. Typical measures include landscaping, tree thinning, and fuels management. (See Figure 2-5-2.) (See also BUILDING and STRUCTURE.)
- 36. DEQ: The Montana Department of Environmental Quality.
- 37. DEVELOPMENT IMPROVEMENT: Any structure or facility constructed to serve the residents of a subdivision or project, which may include the general public, such as parks, streets and roads, sidewalks, curbs and gutters, street lighting, utilities and systems for water supply, wastewater (sewage) treatment, and disposal and storm water drainage.

**Figure 2-5-2
Defensible Space**



38. **DIVISION OF LAND:** The segregation of one or more parcels of land from a larger tract held in single or undivided ownership by transferring or contracting to transfer title to or possession of a portion of the tract or properly filing a certificate of survey or subdivision plat establishing the identity of the segregated parcels pursuant to the MSPA. The conveyance of a tract of record or an entire parcel of land that was created by a previous division of land is not a division of land. [76-3-103(4), MCA]
39. **DRAINAGE DETENTION STRUCTURE:** A structure designed to collect and temporarily store storm water with subsequent gradual release of storm water. (See also STORM WATER and in contrast, DRAINAGE RETENTION STRUCTURE.)
40. **DRAINAGE RETENTION STRUCTURE:** A structure designed to collect and prevent the release of a given volume of storm water by complete on-site storage. (See also STORM WATER and in contrast, DRAINAGE DETENTION STRUCTURE.)
41. **DRIVEWAY:** An accessway that provides legal and physical access to only one parcel. (See also ROAD.)
42. **DRY HYDRANT:** A pipe that leads to a water source, but has no pressure of its own. (Note: Fire fighters attach fire hoses to dry hydrants and draft water from the water source.) (See Figure 2-5-3.)

Figure 2-5-3
Dry Hydrant



E

43. **EASEMENT:** Authorization by a property owner for another to use, or restriction on the right of the owner to use, all or a portion of the owner's property for a specified purpose. (See also CONSERVATION EASEMENT.)

Private road and utility easement: An easement shown on a plat or described in a recorded document in which private roads are located and public utility companies may place utility service for customers. (See also PRIVATE ROAD.)

Public road and utility easement: An easement shown on a plat or described in a recorded document in which public roads are located and where public utility companies may place utility service for customers. (See also PUBLIC ROAD.)

44. **ENGINEER, PROFESSIONAL:** A person licensed in conformance with Title 37, Chapter 67, MCA to practice engineering in the State of Montana. [See 37-67-301, MCA.]
45. **ENGINEERING PLANS, PRELIMINARY:** Plans prepared under the supervision of a Professional Engineer for proposed elements such as community water systems, community sewer systems, etc. Plans shall be of sufficient detail to depict required land dedication and rights-of-way. Plans shall be sufficient to show that all parcels can be served by the system proposed and shall be certified by the Professional Engineer to that effect. Plans shall show a preliminary layout of infrastructure. (See also ENGINEER, PROFESSIONAL.)

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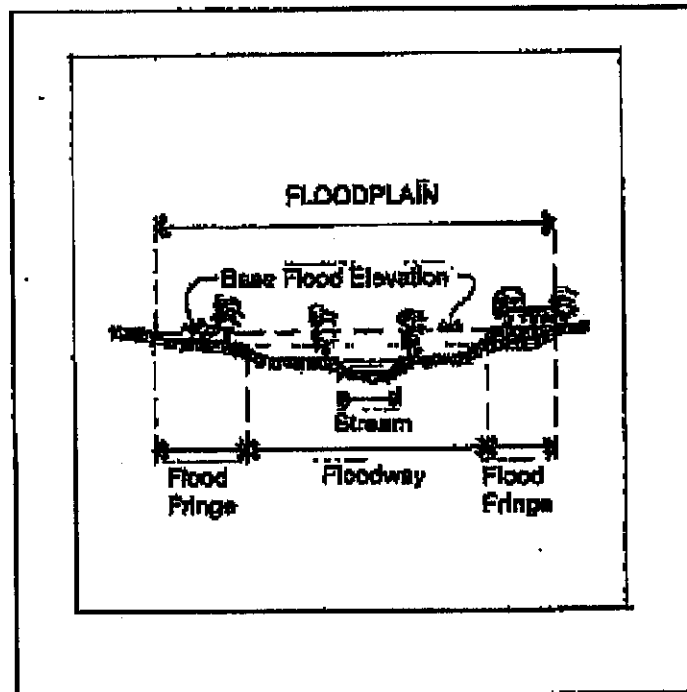
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46. ENVIRONMENTAL ASSESSMENT: A written report that documents the environmental, social, and cultural impacts and consequences of a proposed development project.

F

47. FINDING: A written fact or determination based on evidence made in support of a decision.
48. FLOOD, 100-YEAR: A flood magnitude that has a one (1) percent chance of being equaled or exceeded in any given year, commonly referred to as a base flood. (See Figure 2-5-4.)
49. FLOOD ELEVATION, 100-YEAR: The vertical elevation above sea level in relation to North American Vertical Datum 1988, to which the waters of a 100-year flood are expected to rise. The base flood elevation is the same as the 100-year flood elevation. (See Figure 2-5-4.)
50. FLOOD or FLOODING: The water of any watercourse or drainage that is above the bank or outside the channel banks of such a watercourse or drainage, or the unusual and rapid accumulation or runoff of surface waters from any source.
51. FLOODPLAIN: Any area of land susceptible to being inundated by water from any source.
52. FLOODPLAIN, 100-YEAR: The area of land that would be inundated by water of a 100-year flood. The 100-year floodplain consists of a floodway and a flood fringe. (See also FLOOD, 100-YEAR; FLOODWAY AND FLOOD FRINGE.) (See Figure 2-5-4.)
53. FLOODWAY: The channel of a watercourse or drainage and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. (See Figure 2-5-4.)
54. FLOOD FRINGE: The portion of the floodplain located outside the limits of the floodway. (See Figure 2-5-4.)

**Figure 2-5-4
Floodplain Components**



G

- 55. **GEOLOGICAL HAZARD:** The potential for geological instability arising from geologic features or conditions, including faults, landslides, avalanches, stream channel movement, fluvial erosion, and the like. (See also HAZARD.)
- 56. **GOVERNING BODY:** The governing authority of a county, city, town, or consolidated local government organized pursuant to law [76-3-103 (7), MCA]. The governing body for Ravalli County is the Board of County Commissioners.
- 57. **GROWTH POLICY:** A policy that was adopted pursuant to Title 76, Chapter 1, MCA, on or after October 1, 1999. In these regulations, the Growth Policy refers to the Ravalli County Growth Policy.

H

- 58. **HAZARD:** Any condition, either natural or man-made, that presents a danger to the public health, safety, and general welfare. (See also GEOLOGIC HAZARD.)
- 59. **HOMEOWNERS' ASSOCIATION (PROPERTY OWNERS' ASSOCIATION and LANDOWNERS' ASSOCIATION):** A private, nonprofit corporation of homeowners

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established according to State law for the purpose of owning, operating, or maintaining various common properties.

I

- 60. IMMEDIATE FAMILY: A spouse, child(ren) by blood or adoption, and parents. [76-3-103(8), MCA]
- 61. IMPROVEMENT AGREEMENT: A contractual agreement that may be required by the governing body to ensure the construction of such improvements as required by local subdivision regulations. The improvement agreement may require collateral to secure the construction of such improvements, such as the deposit of certified funds, irrevocable letters of credit, performance or property bonds, private or public escrow agreements, or similar financial guarantees.
- 62. IRRIGATION DISTRICT: A district established pursuant to Title 85, Chapter 7, MCA.
- 63. IRRIGATION DITCH: A man-made structure designed to convey water for irrigation purposes.

L

- 64. LAND USE: As the context would indicate, "land use" means (1) the development that has occurred on the land, (2) development that is proposed on the land, or (3) the use that is permitted on the land under an adopted and legally enforceable regulatory framework.
- 65. LANDOWNER (PROPERTY OWNER): All individuals, groups, or parties with a title interest in the property. For purposes of 76-3-207, MCA, when a parcel of land for which an exemption from subdivision review is claimed is being conveyed under a contract-for-deed, the terms "property owner," "landowner," and "owner" mean the seller of the parcel under the contract-for-deed (24.183.1104 ARM). For all other purposes of these regulations, the terms "property owner," "landowner," and "owner" mean both the seller and the purchaser under a contract for deed.
- 66. LANDSLIDE: A movement of a large mass of soil and/or rock moving downslope under gravitational forces. (See also AVALANCHE, GEOLOGICAL HAZARD and HAZARD.)
- 67. LEGAL ACCESS: See ACCESS, LEGAL.
- 68. LOCAL SERVICES: Public services or facilities that local government is authorized to provide, including but not limited to water supply and sewage treatment facilities, law enforcement, fire protection, emergency services, public health services, educational services and transportation systems.
- 69. LOT: A parcel, plot, or other land area created by subdivision, including by subdivision for sale, rent, or lease. For the purposes of defining major/minor subdivisions, calculating pro rata share, etc. this term shall also include units within a subdivision. (See also UNIT.)

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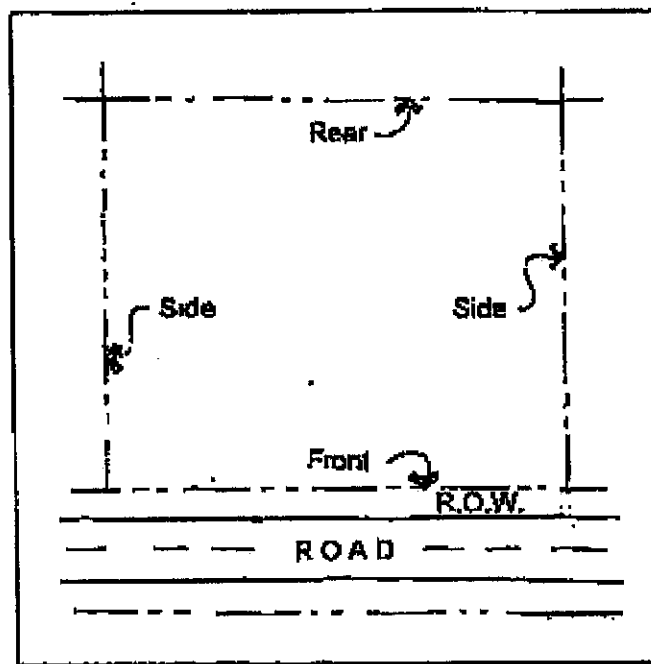
70. **LOT LINE:** A line dividing one lot from another lot or from a street or alley. (See Figure 2-5-5.)
(See also LOT.)

Front lot line: A lot line described for each of the following types of lots: on an interior lot, the lot line abutting a street; or, on a corner lot, the shorter lot line abutting a street; or, on a through lot, the lot line abutting the street providing the primary access to the lot; or on a flag lot, the interior lot line most parallel to and nearest the street from which access is obtained.

Rear lot line: A lot line that does not intersect a front lot line that is most distant from and most closely parallel to the front lot line.

Side lot line: A lot line not a front or rear lot line.

Figure 2-5-5
Lot Lines



71. **LOT MEASUREMENT:**

Lot Depth: The average horizontal distance between the front and rear lot lines.

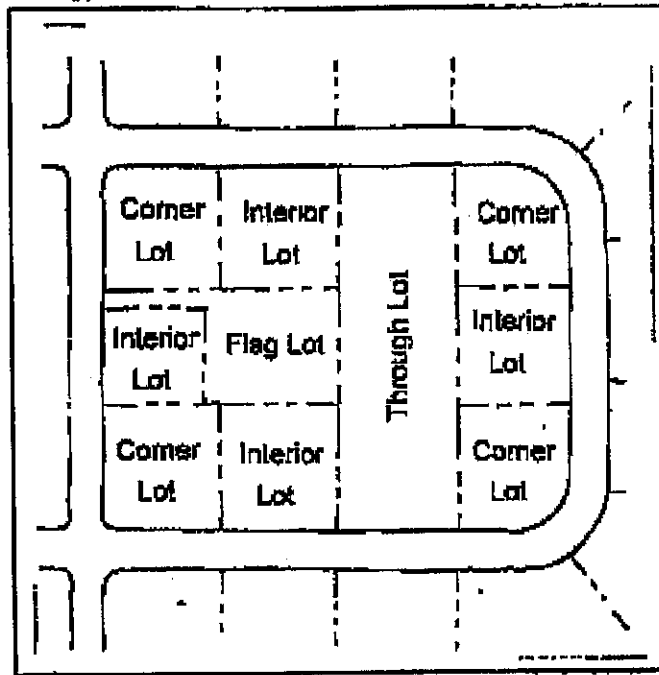
Lot Width: The average horizontal distance between the side lot lines.

Lot Frontage: The length of the lot or parcel along the street on which it borders.

Lot Area, Gross: The total area of a lot inclusive of all easements.

Lot Area, Net: The area of a lot determined exclusive of street, highway, alley, road, or other rights-of-way or access easements.

Figure 2-5-6
Lot Types



72. LOT TYPES (See Figure 2-5-6.):

Corner Lot: A lot located at the intersection of two streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost point of the lot meet at an interior angle of less than 135 degrees.

Flag Lot: A lot with access provided by a relatively narrow corridor from the road to the bulk of the lot.

Interior Lot: A lot that abuts one (1) road.

Through or Double-Frontage Lot: A lot whose front and rear lines both abut on streets.

M

73. MDT: Montana Department of Transportation.

74. MITIGATE: To make the impacts of a subdivision less severe.

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75. **MOBILE (MANUFACTURED) HOME:** A detached residential dwelling unit, which may consist of two or more sections, fabricated at a factory and designed to be towed on its own chassis to a building site for occupation as a dwelling with or without a permanent foundation. The term includes, but is not limited to, "trailer homes," "house trailers," and "manufactured homes" whether or not the unit has been constructed after July 1, 1976, in conformance with Federal Manufactured Home Construction and Safety Standards. The term does not include "modular" or "factory-built buildings" that are fabricated at a factory in accordance with the Uniform Building Code Standards applicable to site-built homes, and are transported to the site for final assembly on a permanent foundation.
76. **MOBILE (MANUFACTURED) HOME LOT/SPACE:** A designated portion of a mobile home park designed for the accommodation of one mobile home and its accessory buildings or structures for the exclusive use of the occupants. (See also **MOBILE HOME**.)
77. **MOBILE (MANUFACTURED) HOME PAD:** That area of a mobile home lot/space which has been prepared for the placement of a mobile home.
78. **MOBILE HOME PARK:** A tract of land providing two (2) or more mobile home lots/spaces that could be for lease or rent to the general public. (See also **MOBILE HOME** and **MOBILE HOME LOT**.)
79. **MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY MINIMUM STANDARDS:** Minimum standards promulgated by the Montana Department of Environmental Quality, pursuant to Title 76, Chapter 4, Part 1, MCA.
80. **MONUMENT (PERMANENT MONUMENT):** Any structure of masonry, metal, or other permanent, durable material placed in the ground, which is exclusively identifiable as a monument to a survey point, expressly placed for surveying reference.
81. **MSPA:** Montana Subdivision and Platting Act, Title 76, Chapter 3, MCA.

N

82. **NATURAL ENVIRONMENT:** The physical conditions that exist within a given area, including land, air, water, mineral, flora, fauna, sound, light, and objects of historic and aesthetic significance.
83. **NO-BUILD ZONE:** An area in which no building or structure may be constructed or otherwise placed. Roads, trails, and utility crossings may be permissible within a no-build zone. (See also **BUILDING** and **STRUCTURE**.)
84. **NO-BUILD/ALTERATION ZONE:** An area in which no building or structure may be constructed or otherwise placed and no road or utility crossing is permitted and the vegetation is retained in its natural condition, with the exception of necessary weed control and the removal of vegetation and thinning of trees as may be necessary to protect against wildfire and promote a healthy ecosystem. No fill is permitted to be placed within the no-build/alteration zone. Fences are permitted within a no-build/alteration zone. Certain specific development alterations may be

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permissible within the no-build/alteration zone as provided for in these regulations. (See also BUILDING and STRUCTURE.)

85. NO-INGRESS/EGRESS ZONE: An area across which permanent vehicular access is prohibited.
86. NOXIOUS WEED: Any exotic plant species established or that may be introduced in the State that may render land unfit for agriculture, forestry, livestock, wildlife, or other beneficial uses, or that may harm native plant communities and that is designated by administrative rule of the Montana Department of Agriculture or by a weed management district. [See 7-22-2101, MCA.]

O

87. OVERALL DEVELOPMENT PLAN: The plan showing future development potential of areas not included in a development proposal.
88. OWNER(S) OF RECORD: The individual(s) who are listed as the legal owner(s) of a tract of record.

P

89. PARCEL: A unit of land all parts of which are contiguous, including contiguous lots, in the possession of, owned by, or managed by the same person. (See also PERSON.)
90. PARK: An area specifically set aside for outdoor recreation, conservation of natural environment, wildlife habitat, etc.
91. PARK BOARD: The Ravalli County Park Board created pursuant to 7-16-2301, MCA.
92. PARK DEDICATION: Land set aside by the subdivider for park purposes. (See also PARK DEDICATION, CASH-IN-LIEU.)
93. PARK DEDICATION, CASH IN LIEU: A cash payment that is equal to the assessed value of the land that would have been dedicated for park purposes. (See also PARK DEDICATION.)
94. PERSON: Any individual, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.
95. PHYSICAL ACCESS: See ACCESS, PHYSICAL.
96. PLANNING BOARD: A planning board formed pursuant to Title 76, Chapter 1, MCA.
97. PLANNING DEPARTMENT: The Ravalli County Planning Department.
98. PLANNING DIRECTOR: The Ravalli County Planning Director.
99. PLANNING STAFF: The individuals employed by the Planning Department.

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100. **PLAT:** A graphical representation of a subdivision showing the division of land into lots, parcels, blocks, streets, alleys, other divisions and dedications, and any other information as may be required.

Amended Plat: The final drawing of any change to a filed platted subdivision, or any lots within a filed platted subdivision.

Concept plat: A legible drawing showing approximate boundaries, dimensions, areas, distances and other pertinent information of a proposed subdivision, all as more particularly set forth in Section 3-1-4.

Final Plat: The final drawing of the subdivision and dedication required to be prepared for filing for record with the County Clerk and Recorder containing all elements and requirements set forth in these regulations and the MSPA. [Title 76, Chapter 3, MCA]

Preliminary Plat: A clear, scaled drawing of a proposed subdivision showing the layout of streets, alleys, lots, blocks, and other elements of a subdivision that furnish a basis for review by a governing body as more specifically set forth in these regulations and the MSPA.

Vacated Plat: A plat which has been voided under the provisions of 76-3-305, 7-5-2501, 7-5-2502, 7-14-2616 (1) and/or (2), 7-14-2617, 7-14-4114 (1) and/or (2), and 7-14-4115, MCA.

101. **PLATTED SUBDIVISION:** Parcels created by platting both prior to and following July 1, 1973.
102. **PRIVATE IMPROVEMENT:** Private improvements are the same types of improvements as defined under PUBLIC IMPROVEMENTS, except the structure or facility has not been dedicated to the public or otherwise acquired by a government entity for public use.
103. **PRO-RATA SHARE:** The projected average daily traffic (ADT) of the proposed subdivision divided by the projected ADT of the proposed subdivision plus the existing ADT times the cost to bring the county road up to standard:

$$\frac{\text{ADT (proposed subdivision)}}{\text{ADT (proposed subdivision) + existing ADT}} \times \text{Cost to bring road up to standard}$$

ADT (proposed subdivision) is the estimated traffic that will be generated by the proposed subdivision based on the number of lots, minus one lot, and the proposed usage. The estimated traffic shall be determined to be zero trips for any additional existing residences/businesses on the property that have been in place since the enactment of the MSPA and as can be documented by the subdivider through tax records, wastewater treatment system permits, and any other credible evidence.

Existing ADT is the current traffic measured on the road segment in question.

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Cost to bring road up to standard (Cost Estimate(s)), as assessed by the RCBRD, including engineering costs (planning, design, survey, inspection), construction costs, administration costs, right-of-way acquisition, if required, and moving of utilities and structures, if required.

(ADT and Cost Estimate(s), as approved by the RCBRD, shall be completed by the RCBRD or a qualified professional engineer.)

104. **PUBLIC HEALTH AND SAFETY:** The prevailing healthful, sanitary condition of well-being for the community at large. Conditions that relate to public health and safety include but are not limited to: disease control and prevention; emergency services; environmental health; flooding, fire or wildfire hazards; rock falls or landslides; unstable soils, steep slopes, and other natural hazards; high voltage lines or high pressure gas lines; and air or vehicular traffic safety hazards.
105. **PUBLIC IMPROVEMENT:** Any structure or facility constructed to serve more than one lot in a subdivision that is dedicated to the public or otherwise acquired by a government entity for public use. Examples of typical public improvements include parks, streets or roads, sidewalks, curbs, gutters, street lighting, utilities, systems for water supply, wastewater (sewage) treatment and disposal, drainage, or fire protection.

R

106. **RCEH:** The Ravalli County Environmental Health Department.
107. **RCBRD:** The Ravalli County Road and Bridge Department.
108. **RECREATIONAL CAMPING VEHICLE:** A vehicle primarily designed as temporary living quarters for recreational, camping, or travel use that either has its own motor power or is mounted on or drawn by another vehicle.
109. **RECREATIONAL CAMPING VEHICLE PARK:** A tract of land used for public camping where persons can rent a space to park or place camping trailers, pick-up campers, motor homes, travel trailers, or tents for dwelling purposes. (See also **RECREATIONAL CAMPING VEHICLE SPACE**.)
110. **RECREATIONAL CAMPING VEHICLE SPACE:** A designated portion of a recreational vehicle park that is designed for the exclusive use of its occupants. (See also **RECREATIONAL CAMPING VEHICLE PARK**.)
111. **REMAINDER:** That portion of an original tract that is not itself intended for transfer, but that is left after other parcels are segregated for transfer. A "remainder" is considered a lot in a subdivision and will not evade review as a "remainder." If an exemption by a certificate of survey is used, the remaining tract of land is a separate parcel that must be surveyed.
112. **RESTRICTIVE COVENANT:** See **COVENANT**.
113. **REVIEWING AUTHORITY:** The DEQ or RCEH, as authorized under Title 76, Chapter 4, MCA.

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114. **RIGHT-OF-WAY:** A linear public way established or dedicated for public purposes by a duly recorded plat, deed, easement, grant, prescription, condemnation, governmental authority, or by operation of law, intended to be occupied by a street, non-motorized vehicle path, railroad, electric transmission lines, water line, sanitary sewer line, storm sewer line, irrigation canal, or other similar uses.
115. **ROAD:** An accessway, located within an easement or right-of-way that provides legal and physical access to more than one parcel. (See also EASEMENT and RIGHT-OF-WAY and in contrast, see DRIVEWAY.)
116. **ROAD, COUNTY:** A road that has been legally adopted as a county road in accordance with the laws applicable at the time of its adoption.
117. **ROAD, COUNTY-MAINTAINED:** A road within Ravalli County that is maintained by the County. Identified County-maintained roads are listed in Exhibit A of the Ravalli County Subdivision Regulations.
118. **ROAD, HARD-SURFACED:** A road that is covered with either an asphalt or chip-sealed surface.
119. **ROAD, PAVED:** A road that is paved with asphalt-concrete.
120. **ROAD TYPES:** See Section 5-4-3 for classification of arterials, collectors and local roads. For purposes of these regulations, road types are defined as follows (See Figure 2-5-7.):

Alley Access: A special type of accessway that provides a secondary means of access to the rear of the lots. A narrower easement width is typically permissible for an alley, as compared to other roads.

Cul-de-sac road: A road having only one outlet for vehicular traffic and terminating in a vehicle turnaround area.

Frontage Road: A local or collector road, usually parallel and adjacent to an arterial or major collector, that provides access to abutting properties and controls traffic access to arterials or collectors.

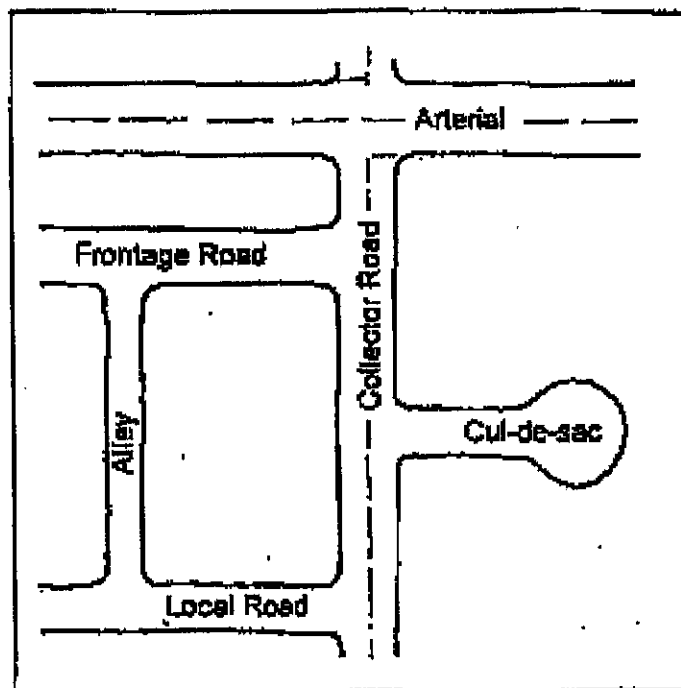
Half-Road: A portion of the width of a road, usually located along the perimeter of a subdivision, the remaining portion of which street must be located on adjacent property if the road is to be fully constructed.

Loop Road: A local street which begins and ends on the same street, generally used for access to properties.

Private Road: A road that is maintained by a private entity(s) at its expense and that the general public may use. (In contrast see PUBLIC ROAD.)

Public Road: A road that is maintained by the county, state, or other public entity and that the general public may use. (In contrast see PRIVATE ROAD.)

Figure 2-5-7.
Road Types



121. ROAD INTERSECTION: An at-grade connection of a road or driveway with another road.
122. ROAD MAINTENANCE AGREEMENT: A written instrument recorded with the County Clerk and Recorder that defines how a private road will be maintained in perpetuity, or until such time as the County or the State accepts it as a public road, and the rights and obligations of the parties to the agreement.
123. RURAL (SPECIAL) IMPROVEMENT DISTRICT: An established area in the unincorporated area of the county that is created by the BCC pursuant to Title 7, Chapter 12, Part 21, MCA for the express purpose of levying a special tax to pay for public improvements/maintenance for the benefit of those within the district.

S

124. SCREENING: A feature, such as a wall, fence, hedge, berm, or similar feature, used to shield or obscure elements of a development from adjacent sites. (See also BUFFER AREA.)
125. SETBACK: A specified horizontal distance between two actual or imaginary objects, such as property lines, ordinary high water mark, buildings, wells, septic tanks, etc.

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126. SITE PLAN: A plan, drawn to scale, showing topography, the layout of existing and proposed property lines, easements, structures, uses, utilities, parking areas, streets, signs, buffers, landscaping, adjacent land uses, and other information as required.
127. SLOPE: The change in vertical measurement to the change in the horizontal measurement, usually expressed as a percentage.
128. SPECIES AND COMMUNITIES OF SPECIAL CONCERN: Plant species, animal species, and plant communities, as identified by the Montana Natural Heritage Program, that are rare, endemic, disjunct, threatened, or endangered throughout their range or in Montana, vulnerable to extirpation from Montana, or in need of further research.
129. STATE: The State of Montana.
130. STORM WATER: The flow and accumulation of water from a rainfall event.
131. STREAM: A natural body of running water flowing continuously or intermittently in a channel on or below the surface of the ground.
132. STREET: See ROAD.
133. STRUCTURALLY CONNECTED: A structural connection requires a common foundation, common roof line, and common wall element. A structurally connected foundation would mean that the proposed foundation directly abuts and joins that of the original foundation using the same or similar foundation materials and construction techniques. A common roof line means that the proposed roof structure blends with that of the original and provides all-weather protection for the space beneath. A common wall element means an enclosed space directly attaching the proposed structure with the existing. Breezeways, openings, or other thoroughfares in the wall element that cannot be closed to provide all-weather protection for the space inside are not considered structural connections under this term. Operable windows are allowed. The finished addition should be constructed such that it allows for the comfortable passage of individuals to the original structure. It should appear to have been contemplated for construction with the original structure.
134. STRUCTURE: Any permanent or temporary object that is constructed, installed, or placed by man, which requires a location on a parcel of land. It includes buildings of all types, bridges, instream structures, storage tanks, walls, fences, swimming pools, towers, antennas, poles, pipelines, transmission lines, smokestacks, signs, and similar objects.
135. SUBDIVIDER: Any person, firm, corporation, or other entity that causes land to be subdivided or that proposes a subdivision of land [76-3-103(15), MCA]. When used in these regulations, the term "subdivider" may also include the property purchaser on a contract for deed or its agent, or the landowner's agent, if the landowner has provided the Planning Department written notification that the landowner's agent is authorized to act on the landowner's behalf and to receive notices regarding local government decisions concerning the subdivision.

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136. **SUBDIVISION:** A division of land or land so divided which creates one or more parcels containing less than 160 acres that cannot be described as a one-quarter aliquot part of a United States government section, exclusive of public roadways, in order that the title to or possession of the parcels may be sold, rented, leased, or otherwise conveyed and includes any re-subdivision and further includes a condominium or area, regardless of its size, that provides or will provide multiple space for recreational camping vehicles or mobile homes [76-3-103(14), MCA].

First minor subdivision: A proposed minor subdivision from a tract of record that has not been subdivided or created by a subdivision under the MSPA, or has not resulted from a tract of record that has had more than five parcels created from that tract of record under 76-3-201 or 76-3-207, MCA, since July 1, 1973. [76-3-609(2), MCA]

Major subdivision: A subdivision containing six (6) or more lots/units.

Minor subdivision: A subdivision containing five (5) or fewer lots/units.

Subsequent minor subdivision: Any subdivision of five or fewer parcels that is not a first minor subdivision.

137. **SUBDIVISION EVASION CRITERIA:** Those criteria adopted by a local unit of government that it uses to determine when a rebuttable presumption exists that the proposed use of the subdivision exemption, as allowed by state law, is being used to evade subdivision regulations.
138. **SURVEYOR (PROFESSIONAL LAND SURVEYOR):** A person licensed in conformance with the Montana Engineers' and Land Surveyors' Act [Title 37, Chapter 67, MCA] to practice surveying in the State of Montana.
139. **SURVEYOR (EXAMINING LAND SURVEYOR):** A professional land surveyor duly appointed by the governing body to review surveys and plats submitted for filing.
140. **SWALE:** A drainage channel or depression designed to direct surface water flow.

T

141. **TITLE REPORT (ABSTRACT OF TITLE, SUBDIVISION GUARANTEE, OR PLATTING REPORT):** A report from a title service company on the condition of title to the property proposed for subdivision, which identifies the owners of record of the property, lien holders, encumbrances, easements and restrictions of record, and all other conditions of title of public record, and accompanied by a guaranty of the accuracy of the report from the title insurance agent or its underwriter.
142. **TOPOGRAPHY:** General term to include characteristics of the ground surface such as plains, hills, mountains, slopes, and other physiographic features.
143. **TOWNHOUSE LOT:** Arrangement under which units share a common wall, and individuals own their own units and hold separate title to the land beneath the unit.

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144. TRACT OF RECORD: An individual parcel of land, irrespective of ownership, that can be identified by legal description, independent of any other parcel of land, using documents on file in the records of the County Clerk and Recorder's Office. [76-3-103(16)(a), MCA]
145. TRAFFIC IMPACT ANALYSIS: A written report that documents the traffic impacts and consequences of a proposed development project. Typical components would address each of the following: existing conditions, on-site traffic circulation, impacts on public roads, and recommendations/alternatives to alleviate identified impacts. (See also ENVIRONMENTAL ASSESSMENT.)

U

146. UNIT: A building, structure, or other space intended for occupancy or commercial use other than storage that may be sold, rented, leased, or otherwise conveyed to an individual, family, business or other entity, which may or may not be in a single structure or under a single roof. Buildings that are accessory to, and are for the sole use by occupants of the main dwelling, including garages and storage sheds, are not considered "units" for purposes of these regulations. (See also LOT.)

V

147. VARIANCE: A grant of relief from the strict application of a rule or regulation that would permit development in a manner otherwise prohibited.
148. VESTED RIGHT: A right which when it has become absolute and fixed cannot be defeated, contested, or denied by subsequent governmental actions, conditions, or change in regulations.
149. VIOLATION: The failure to comply with applicable regulations.
150. VOLUNTARY ZONING DISTRICT: A zoning district in the unincorporated area of the county that is created by the board of county commissioners following a petition of landowners within the district pursuant to Title 76, Chapter 2, Part 1, MCA, for the express purpose of regulating land uses and densities/intensities within the district.

W

151. WATER RIGHT: A right to use water that is protected under Montana law. [See Title 85, Chapter 2, MCA.]
152. WATERBODY: Man-made and natural water features including rivers, streams, creeks, irrigation ditches, lakes, and ponds. (See also IRRIGATION DITCH.)
153. WILDLAND FIRE HAZARD: Those areas within the wildland/residential interface area that, due to fire history, vegetation type and density, fuel types and loadings, topography, aspect, and other physical characteristics, are more likely than not to experience a wildland fire event. (See also WILDLAND/RESIDENTIAL INTERFACE.)

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154. WILDLAND/RESIDENTIAL INTERFACE: That geographical area where structures and other human development meets or intermingles with wildland or vegetative fuels. (See also WILDLAND FIRE HAZARD.)
155. WILDLIFE: Animals (including mammals, birds, reptiles, and fish) that exist in their natural environment. These exclude domesticated or tamed species.
156. WILDLIFE HABITAT: The place or area where wildlife naturally lives or travels through.